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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

COSMAL MANUEL GONZALEZ,

Defendant and Appellant.

D067111

(Super. Ct. No. SCD243849)

APPEAL from a judgment of the Superior Court of San Diego County, Peter C. Deddeh and Timothy M. Walsh, Judges. Affirmed.

Patrick J. Hennessey, Jr., upon appointment by the Court for Appeal, for Defendant and Appellant.

No appearance for Respondent.

Defendant Cosmal Manuel Gonzalez's appointed appellate counsel has filed a brief asking this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. We affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

The San Diego County District Attorney filed an amended information charging Gonzalez in counts 1 through 3 with committing a lewd act upon a child under the age of 14 years (Pen. Code,¹ § 288, subd. (a), hereafter § 288(a)), in count 4 with attempting to commit a lewd act upon that child (§§ 288(a), 664), in count 5 with indecent exposure (§ 314(1)), and in counts 6 and 7 with unlawfully contacting another minor with intent to commit a sexual offense (§ 288.3, subd. (a)). The amended information also alleged that Gonzalez had suffered a prior serious felony conviction (§§ 667, subd. (a), 668 & 1192.7, subd. (c)) that was also a prior strike conviction within the meaning of the Three Strikes law (§§ 667, subds. (b)-(i), 668, 1170.12). As to count 5, it further alleged that Gonzalez had previously been convicted of a violation of section 288 within the meaning of section 314.

In June 2014, a few days before trial in this matter, Gonzalez —assisted by counsel —initialed and signed a guilty plea form indicating he was pleading guilty to one count of contacting a minor with intent to commit a sexual offense (§ 288.3, subd. (a)), as charged in count 6, subject to specified terms. He also admitted the prior strike allegation. The plea agreement provided he would be sentenced to a stipulated state prison term of six years, consisting of the middle term three years doubled to six years under the Three Strikes law, in exchange for (among other things) dismissal of the remaining charges and allegations. As the basis for his guilty plea, Gonzalez admitted that he communicated

¹ All further statutory references are to the Penal Code.

with a minor for the purpose of committing a lewd act with that child and with the intent of gratifying his sexual desires. At the change of plea hearing, after questioning Gonzalez, the court accepted his guilty plea and granted the People's motion to dismiss both the remaining charges and allegations in this case and another pending case.

On November 19, 2014, in accordance with the terms of the negotiated plea agreement, the court denied probation and sentenced Gonzalez to the stipulated six-year term of imprisonment. The court granted Gonzalez specified custody credits, imposed various fines and fees, and ordered him to register as a sex offender under section 290 for the rest of his life. Gonzalez's timely appeal followed.

DISCUSSION

Counsel has filed a brief summarizing the proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende, supra*, 25 Cal.3d 436. Counsel has not referred to any possible, but not arguable, issues pursuant to *Anders v. California* (1967) 386 U.S. 738.

We granted Gonzalez permission to file a brief on his own behalf. He has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, and *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Gonzalez has been represented adequately by appellate counsel.

DISPOSITION

The judgment is affirmed.

NARES, J.

WE CONCUR:

BENKE, Acting P. J.

PRAGER, J.*

* Judge of the San Diego Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.